

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN M. SPAHN, IRA, On Behalf of) Case No. 4 04CV00086HEA
Himself and All Others Similarly Situated,)
Plaintiffs,) Consolidated Case Nos.
v.)
EDWARD D. JONES & CO., L.P., THE) 4:04-CV-00118 CAS
JONES FINANCIAL COMPANIES,) 4:04-CV-00255 DJS
L.L.L.P., EDJ HOLDING COMPANY,) 4:04-CV-00282 DJS
INC., JOHN W. BACHMANN, DOUGLAS) 4:04-CV-00466 HEA
E. HILL, MICHAEL R. HOLMES, RICHIE) 4:04-CV-00467 HEA
L. MALONE, STEVEN NOVIK, DARRYL)
L. POPE and ROBERT VIRGIL JR.,) **CLASS ACTION**
Defendants.)

**MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)**

RACHEL M. ENRIQUEZ, Custodian for) Cause No. 22042-00126-02
Diego Enriquez under IL/UTMA, On Behalf)
of Herself and All Others Similarly Situated,)
Plaintiffs,)
v.)
EDWARD D. JONES & CO., L.P., et al.,)
Defendants.)

**DECLARATION OF JOHN R. S. MCFARLANE IN SUPPORT OF LEAD PLAINTIFFS'
MEMORANDUM OF LAW IN RESPONSE TO OBJECTIONS AND IN FURTHER
SUPPORT OF FINAL APPROVAL OF SETTLEMENT**

I, John R. S. McFarlane, declare as follows:

1. I am an attorney-at-law and associate of the law firm of Milberg Weiss & Bershad LLP, One Pennsylvania Plaza, New York, New York 10119. I am submitting this Declaration in support of Plaintiffs' Memorandum Of Law In Response To Objections And In Further Support Of Final Approval of Settlement.
2. I am an attorney in good standing and duly licensed and admitted to the New York State bar.
3. Attached hereto as Exhibit A is a true and correct copy, without attachments, of the Objections of Marion Washburn to Class Action Settlement Agreement, and Notice of Intent to Appear as filed in *In re AT&T Sec. Litig.*, 00-cv-5364-GEB-JJH (D.N.J. filed Jan. 31, 2005) (Docket No. 320).
4. Attached hereto as Exhibit B is a true and correct copy, without attachments, of the Objections to Proposed Settlement of Shareholder Litigation as filed in *In re AT&T Sec. Litig.*, 00-cv-5364-GEB-JJH (D.N.J. filed Jan. 31, 2005) (Docket No. 322).
5. Attached hereto as Exhibit C is a true and correct copy, without attachments, of the Memorandum Opinion as filed in *In re AT&T Sec. Litig.*, 00-cv-5364-GEB-JJH (D.N.J. filed Jan. 31, 2005) (Docket No. 340).
6. Attached hereto as Exhibit D is a true and correct copy, without attachments, of the Joint Application By Objectors' Counsel For Attorney Fees as filed in *In re AT&T Sec. Litig.*, 00-cv-5364-GEB-JJH (D.N.J. filed Jan. 31, 2005) (Docket No. 352).
7. Attached hereto as Exhibit E is a true and correct copy, without attachments, of the Objections to Proposed Settlement of Class Action as filed in *Perez v. Asurion Corporation*, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 108).

8. Attached hereto as Exhibit F is a true and correct copy, without attachments, of the Objections to Settlement and Notice of Intent to Appear in *Perez v. Asurion Corporation*, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 110).

9. Attached hereto as Exhibit G is a true and correct copy, without attachments, of the Order Granting Class Counsel's Motion in Support of Request for Final Approval of Settlement and Closing Case in *Perez v. Asurion Corporation*, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 167).

10. Attached hereto as Exhibit H is a true and correct copy, without attachments, of the Joint Notice of Appeal for *Perez v. Asurion Corporation*, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 177).

11. Attached hereto as Exhibit I is a true and correct copy, without attachments, of the Class Plaintiffs' Motion for an Order to Show Cause Regarding Objectors' Notices of Appeal for *Perez v. Asurion Corporation*, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 182).

12. Attached hereto as Exhibit J is a true and correct copy, without attachments, of the Order to Show Cause for *Perez v. Asurion Corporation*, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 184).

13. Attached hereto as Exhibit K is a true and correct copy, without attachments, of the Civil Minutes - Sept. 6, 2007 for *Perez v. Asurion Corporation*, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 192).

14. Attached hereto as Exhibit L is a true and correct copy, without attachments, of the Joint Notice to the Court and a Request to Be Excused From Hearing for *Perez v. Asurion*

Corporation, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 191).

15. Attached hereto as Exhibit M is a true and correct copy, without attachments, of the Class Counsel's Notice of Recent Events for *Perez v. Asurion Corporation*, No. 06-20734-CIV-Seitz/McAliley (S.D. Fla filed March 23, 2006) (Docket No. 193).

16. Attached hereto as Exhibit N is a true and correct copy, without attachments, of the Amended Objections to Proposed Settlement of Class Action in *In re Charter Comm., Inc.*, 02-cv-01186 (ct), (E.D. Mo. filed Aug. 5, 2002) (Docket No. 314).

17. Attached hereto as Exhibit O is a true and correct copy, without attachments, of the Objections to Proposed Settlement of Class Action for *In re Bristol Myers Squibb Securities Litigation*, No. 00-cv-1990 (SRC), (D.N.J. filed Apr. 26, 2000) (Docket No. 361).

18. Attached hereto as Exhibit P is a true and correct copy, without attachments, of the Order Approving Attorneys Fees and Expenses and Lead Plaintiff's Costs Directly Related to its Representation of the Class for *In re Bristol-Myers Squibb Securities Litigation*, No. 00-cv-1990 (SRC) (D.N.J. filed Apr. 26, 2000) (Docket No. 367).

19. Attached hereto as Exhibit Q is a true and correct copy, without attachments, of the Judgment for *In re Bristol-Myers Squibb Securities Litigation*, No. 00-cv-1990 (SRC), (D.N.J. filed Apr. 26, 2000) (Docket No. 368).

20. Attached hereto as Exhibit R is a true and correct copy, without attachments, of Objection to Class Action Settlement and Request for Attorney's Fees and Notice of Intent to Appear of James J. Hardy and Beverly Hardy submitted in *In re American Express Financial Advisers Securities Litigation*, 04-cv-1773 (S.D.N.Y. filed Mar. 4, 2004).

21. Attached hereto as Exhibit S is a true and correct copy, without attachments, of the Order and Final Judgment in *In re American Express Financial Advisers Securities Litigation*, 04-cv-1773 (S.D.N.Y. filed Mar. 4, 2004) (Docket No. 170).

22. Attached hereto as Exhibit T is a true and correct copy, without attachments, of the Order Denying Objector Barbara Hernandez's Motion to Intervene for *Fielder v. Credit Acceptance Corp.*, Cir Ct., No. Cv96-24285 (W.D. Mo. Amended Complaint filed March 14, 1997).

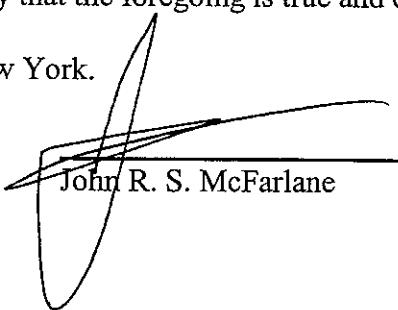
23. Attached hereto as Exhibit U is a true and correct copy of an excerpt of the Docket Sheet for *Pozniak v. Imperial Chemical Industries PLC*, No. 03-cv-2457 (NRB) (S.D.N.Y. filed Apr. 9, 2003) (Docket Nos. 43, 47, 50).

24. Attached hereto as Exhibit V is a true and correct copy of an excerpt of the Docket Sheet for *Simons v. Dynacq Healthcare Inc.*, 03-cv-05825 (KPE) (S.D. Tex. filed Dec. 24, 2003) (Docket Nos. 179, 180, 190).

25. Attached hereto as Exhibit W is a true and correct copy of an excerpt of the Docket Sheet for *In re McLeod USA Incorporated Securities Litigation*, 02-cv-0001 (MWB) (N.D. Iowa filed Jan. 11, 2002) (Docket No. 331, 337, 341).

26. Attached hereto as Exhibit X is a true and correct copy of an excerpt of the Docket Sheet for *In re Vista Care, Inc. Securities Litigation*, 04-cv-01661 (FJM) (D. Ariz. filed Aug 11, 2004) (Docket No. 138, 141, 145).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of October, 2007, at New York, New York.



John R. S. McFarlane